

AUGUST 9, 2005 AGENDA REPORTS

Agenda Item No. 5a

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0727

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Lateral Sanitary Sewer in The Four H Addition (north of Central, west of Tyler) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On January 13, 2004, the City Council approved a Petition to construct a lateral sanitary sewer in the Four H Addition. The Department of Water and Sewer has implemented a policy to collect a sewer main benefit fee from owners of property that have not been included in a sanitary sewer main improvement district. The fee can be paid by special assessments as part of a lateral sanitary sewer project. The Four H Addition has not been included in a sanitary sewer main improvement district. The developer has submitted a new Petition that includes the main benefit fee. The signature on the new Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located north of Central, west of Tyler.

Financial Considerations: The existing Petition totals \$61,000. The new Petition totals \$73,774. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition and adopt the Resolution.

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION
AUTHORIZING CONSTRUCTION OF LATERAL 132, WESTLINK SEWER (NORTH OF
CENTRAL, WEST OF TYLER) 468-83761, IN THE CITY OF WICHITA, KANSAS,

PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 132, WESTLINK SEWER (NORTH OF CENTRAL, WEST OF TYLER) 468-83761, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 04-030 adopted on January 13, 2004 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 132, Westlink Sewer (north of Central, west of Tyler) 468-83761.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fifty-Three Thousand Dollars (\$53,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2005, exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Twenty Thousand Seven Hundred Seventy-Four Dollars (\$20,774).

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FOUR H ADDITION
Lots 1 through 16, Block B

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

Lots 1 through 16, Block B, FOUR H ADDITION shall each pay 1/16 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

Agenda Item No. 5b

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0728

TO: Mayor and City Council Members

SUBJECT: Petition to Renovate Building Facade at 581 W. Douglas (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 581 W. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

Analysis: The facade project will restore the storefront to its original appearance, with new windows and doors.

Financial Considerations: The estimated project cost is \$58,000, with \$43,500 paid by special assessments and \$14,500 by a forgivable loan.

Legal Considerations: State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution, approve the Facade Easement and authorize the necessary signatures.

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF FACADE IMPROVEMENTS AT 581 W. DOUGLAS (SOUTH OF DOUGLAS, EAST OF SENECA) 472-84257, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING FACADE IMPROVEMENTS AT 581 W. DOUGLAS (SOUTH OF DOUGLAS, EAST OF SENECA) 472-84257, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Facade Improvements at 581 W. Douglas (south of Douglas, east of Seneca) 472-84257.

Said improvement shall be constructed of the material in accordance with plans and specifications approved by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fifty-Eight Thousand Dollars (\$58,000) exclusive of the cost of interest on borrowed money, with 75 percent payable by the improvement district and 25 percent payable by the City at Large exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

WEST WICHITA ADDITION

Lots 106 and 108, Chicago, now Douglas Ave.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 6. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 7. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

Agenda Item No. 5c

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0729

TO: Mayor and City Council Members

SUBJECT: Petition to Renovate Building Facade at 917 E. Douglas (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 917 E. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

Analysis: The facade project will restore the storefront to its original appearance, with new windows and doors.

Financial Considerations: The estimated project cost is \$48,500, with \$36,375 paid by special assessments and \$12,125 by a forgivable loan.

Legal Considerations: State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution, approve the Facade Easement and authorize the necessary signatures.

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF FACADE IMPROVEMENTS AT 917 E. DOUGLAS (SOUTH OF DOUGLAS, WEST OF WASHINGTON) 472-84256 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING FACADE IMPROVEMENTS AT 917 E. DOUGLAS (SOUTH OF DOUGLAS, WEST OF WASHINGTON) 472-84256 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Facade Improvements at 917 E. Douglas (south of Douglas, west of Washington) 472-84256.

Said improvement shall be constructed of the material in accordance with plans and specifications approved by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Forty-Eight Thousand Five Hundred Dollars (\$48,500) exclusive of the cost of interest on borrowed money, with 75 percent payable by the improvement district and 25 percent payable by the City at Large exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ABBOTT'S ADDITION
Lot 55

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 6. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 7. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

Agenda Item No. 5d

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0730

TO: Mayor and City Council Members

SUBJECT: Petition to Renovate Building Facade at 919 E. Douglas (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 919 E. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

Analysis: The facade project will restore the storefront to its original appearance, with new windows and doors.

Financial Considerations: The estimated project cost is \$49,500, with \$37,125 paid by special assessments and \$12,375 by a forgivable loan.

Legal Considerations: State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution, approve the Facade Easement and authorize the necessary signatures.

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF FACADE IMPROVEMENTS AT 919 E. DOUGLAS (SOUTH OF DOUGLAS, WEST OF WASHINGTON) 472-84255 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING FACADE IMPROVEMENTS AT 919 E. DOUGLAS (SOUTH OF DOUGLAS, WEST OF WASHINGTON) 472-84255, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Facade Improvements at 919 E. Douglas (south of Douglas, west of Washington) 472-84255.

Said improvement shall be constructed of the material in accordance with plans and specifications approved by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Forty-Nine Thousand Five Hundred Dollars (\$49,500) exclusive of the cost of interest on borrowed money, with 75 percent payable by the improvement district and 25 percent payable by the City at Large exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ABBOTT'S ADDITION
Lot 57

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 6. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 7. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

Agenda Item No. 5e

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0731

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving, Sanitary Sewer and Water Distribution System improvements to serve The Fairmont Addition (north of 21st, west of 127th St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving, sanitary sewer and water improvements to a new residential development located north of 21st, west of 127th St. East.

Financial Considerations: The Petitions total \$1,068,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions.

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-89661 (NORTH OF 21ST, WEST OF 127TH ST. EAST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING WATER DISTRIBUTION SYSTEM NUMBER 448-89661 (NORTH OF 21ST, WEST OF 127TH ST. EAST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 02-092 adopted on February 5, 2002, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Water Distribution System Number 448-89661 (north of 21st, west of 127th St. East) in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be Seventy-Three Thousand Dollars (\$73,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after July 1, 2005, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT ADDITION

Lots 6 through 17, Block B

Lots 1 through 7, Block C

Lots 1 through 17, Block D

Lots 12 and 13, Block G

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 6 through 17, Block B, Lots 1 through 7, Block C, Lots 1 through 17, Block D, and Lots 12 and 13, Block G, THE FAIRMONT ADDITION shall each pay 1/38 of the total project costs.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

RESOLUTION NO. 05-

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90093 (NORTH OF 21ST ST., WEST OF 127TH ST. EAST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING WATER DISTRIBUTION SYSTEM NUMBER 448-90093 (NORTH OF 21ST ST., WEST OF 127TH ST. EAST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90093 (north of 21st St., west of 127th St. East) in the City of Wichita, Kansas.

SECTION 2. That the cost of said improvements provided for hereof is estimated to be Seventy-Eight Thousand Dollars (\$78,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after July 1, 2005, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT ADDITION

Lots 1 through 10, Block A

Lots 1 through 5, Block B

Lots 1 through 3, Block G

Lot 14, Block G

Lots 10 through 17, Block H

Lots 28 through 31, Block H

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 10, Block A, Lots 1 through 5, Block B, Lots 1 through 3, Block G, Lot 14, Block G, Lots 10 through 17, Block H and Lots 28 through 31, Block H, THE FAIRMONT ADDITION shall each pay 1/31 of the total project costs.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

RESOLUTION NO. 05-

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 3, MAIN 11, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 127TH ST. EAST) 468-83402, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 3, MAIN 11, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 127TH ST. EAST) 468-83402, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 02-097 adopted on February 5, 2002, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 3, Main 11, Four Mile Creek Sewer, (north of 21st, west of 127th St. East) 468-83402.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Hundred Eighty-One Thousand Dollars (\$181,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after July 1, 2005, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT ADDITION

Lots 1 through 17, Block B

Lots 1 through 7, Block C

Lots 1 through 17, Block D

Lots 1 through 3, Block G

Lots 12 through 14, Block G

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 17, Block B, Lots 1 through 7, Block C, Lots 1 through 17, Block D, and Lots 1 through 3 and Lots 12 through 14, Block G, THE FAIRMONT ADDITION shall each pay 1/47 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 4, MAIN 11, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 127TH ST. EAST) 468-84052 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 4, MAIN 11, FOUR MILE CREEK SEWER (NORTH OF 21ST, WEST OF 127TH ST. EAST) 468-84052, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 4, Main 11, Four Mile Creek Sewer (north of 21st, west of 127th St. East) 468-84052.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Eighty Thousand Dollars (\$80,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after July 1, 2005, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within

the improvement district described as follows:

THE FAIRMONT ADDITION

Lots 1 through 10, Block A
Lots 10 through 17, Block H
Lots 28 through 31, Block H

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 10, Block A, Lots 10 through 17, Block H, and Lots 28 through 31, Block H, THE FAIRMONT ADDITION shall each pay 1/22 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON MAINSGATE FROM THE SOUTH LINE OF LOT 7, BLOCK C, NORTH AND EAST TO THE WEST LINE OF EAGLE, ON WAWONA, FROM THE NORTH LINE OF MAINSGATE, NORTH TO THE NORTH LINE OF THE PLAT, AND ON EAGLE FROM THE NORTH LINE OF LOT 11, BLOCK G, NORTH TO THE SOUTH LINE OF MAINSGATE AND ON MAINSGATE CT. FROM THE NORTH LINE OF MAINSGATE, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF MAINSGATE, WAWONA, AND EAGLE (NORTH OF 21ST, WEST OF 127TH ST. EAST) 472-83485 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING PAVEMENT ON MAINSGATE FROM THE SOUTH LINE OF LOT 7, BLOCK C, NORTH AND EAST TO THE WEST LINE OF EAGLE, ON WAWONA, FROM THE NORTH LINE OF MAINSGATE, NORTH TO THE NORTH LINE OF THE PLAT, AND ON EAGLE FROM THE NORTH LINE OF LOT 11, BLOCK G, NORTH TO THE SOUTH LINE OF MAINSGATE AND ON MAINSGATE CT. FROM THE NORTH LINE OF MAINSGATE, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF MAINSGATE, WAWONA, AND EAGLE (NORTH OF 21ST, WEST OF 127TH ST. EAST) 472-83485 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 02-102 adopted on February 5, 2002, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct pavement on Mainsgate from the south line of Lot 7, Block C, north and east to the west line of Eagle, on Wawona, from the north line of Mainsgate, north to the north line of the plat, and on Eagle from the north line of Lot 11, Block G, north to the south line of Mainsgate and on Mainsgate Ct. from the north line of Mainsgate, north to and including the cul-de-sac and that sidewalk be constructed along one side of Mainsgate, Wawona, and Eagle (north of 21st, west of 127th St. East) 472-83485.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be Three Hundred Seventeen Thousand Dollars (\$317,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after July 1, 2005, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT ADDITION

Lots 6 through 17, Block B

Lots 1 through 7, Block C

Lots 1 through 17, Block D

Lots 12 and 13, Block G

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 6 through 17, Block B, Lots 1 through 7, Block C, Lots 1 through 17, Block D, and Lots 12 and 13, Block G, THE FAIRMONT ADDITION shall each pay 1/38 of the total project cost.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON MAINSGATE FROM THE WEST LINE OF EAGLE, EAST TO THE EAST LINE OF THE PLAT, ON WOODRIDGE FROM THE NORTH LINE OF LOT 4, BLOCK G, NORTH TO THE SOUTH LINE OF MAINSGATE, AND ON WOODRIDGE, FROM THE NORTH LINE OF MAINSGATE, NORTH TO THE NORTH LINE OF THE PLAT AND THAT THERE BE CONSTRUCTED PAVEMENT ON DAVIN CIRCLE FROM THE NORTH LINE OF LOT 9, BLOCK H, NORTH TO AND INCLUDING THE CUL-DE-SAC, INCLUDING THE EMERGENCY ACCESS EASEMENT BETWEEN DAVIN CIRCLE AND MAINSGATE AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF MAINSGATE AND WOODRIDGE (NORTH OF 21ST, WEST OF 127TH ST. EAST) 472-84246 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON MAINSGATE FROM THE WEST LINE OF EAGLE, EAST TO THE EAST LINE OF THE PLAT, ON WOODRIDGE FROM THE NORTH LINE OF LOT 4, BLOCK G, NORTH TO THE SOUTH LINE OF MAINSGATE, AND ON WOODRIDGE, FROM THE NORTH LINE OF MAINSGATE, NORTH TO THE NORTH LINE OF THE PLAT AND THAT THERE BE CONSTRUCTED PAVEMENT ON DAVIN CIRCLE FROM THE NORTH LINE OF LOT 9, BLOCK H, NORTH TO AND INCLUDING THE CUL-DE-SAC, INCLUDING THE EMERGENCY ACCESS EASEMENT BETWEEN DAVIN CIRCLE AND MAINSGATE AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF MAINSGATE AND WOODRIDGE (NORTH OF 21ST, WEST OF 127TH ST. EAST) 472-84246 IN THE CITY OF WICHITA, KANSAS, ARE
HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct pavement on Mainsgate from the west line of Eagle, east to the east line of the plat, on Woodridge from the north line of Lot 4, Block G, north to the south line of Mainsgate, and on Woodridge, from the north line of Mainsgate, north to the north line of the plat and that there be constructed pavement on Davin Circle from the north line of Lot 9, Block H, north to and including the cul-de-sac, including the emergency access easement between Davin Circle and Mainsgate and that sidewalk be constructed along one side of Mainsgate and Woodridge (north of 21st, west of 127th St. East) 472-84246.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Three Hundred Thirty-Nine Thousand Dollars (\$339,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after July 1, 2005 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT ADDITION

Lots 1 through 10, Block A
Lots 1 through 17, Block B
Lots 1 through 7, Block C
Lots 1 through 17, Block D
Lots 1 through 3, Block G
Lots 12 through 14, Block G
Lots 10 through 17, Block H
Lots 28 through 31, Block H

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 10, Block A, Lots 1 through 5, Block B, Lots 1 through 3, Block G, Lot 14, Block G, Lots 10 through 17, Block H, and Lots 28 through 31, Block H, THE FAIRMONT ADDITION shall each pay 11/417 of the total project costs; and Lots 6 through 17, Block B, Lots 1 through 7, Block C, Lots 1 through 17, Block D and Lots 12 and 13, Block G, THE FAIRMONT ADDITION shall each pay 2/417 of the total project costs.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment of said tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

Agenda Item No. 6

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0732

TO: Mayor and City Council

SUBJECT: Special Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure requests have been submitted (maps attached):

Ultimate Backyard BBQ – Saturday, August 27

10:00 a.m. – 6:00 p.m.

§ St. Francis between First & Second Streets

Kansas Flight Festival – Saturday, & Sunday, September 24-25

10:00 a.m. – 5:00 p.m.

§ 43rd from Webb to Lindberg Ave.

§ 37th from Lindberg Ave to Greenwich Road

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

Agenda Item No. 9a

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0733

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement and Amending Ordinance for the Improvement of Oliver, Harry to Kellogg (District III)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement and Amending Ordinance.

Background: The 2004-2013 Capital Improvement Program (CIP) includes a project to improve Oliver, between Harry and Kellogg. On May 11, 2004, the City Council approved a design budget and design contract with MKEC Consultants for the preparation of construction plans. At that time, the project did not include improvements to the intersection of Oliver and Harry. Based on the condition of the pavement and current traffic volumes, it is recommended that the intersection be incorporated into the project. On May 4, 2005, District III Advisory Board sponsored a neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project, including improvements to the intersection of Oliver and Harry.

Analysis: The design concept is to replace the existing pavement on Oliver with a new five lane roadway, with four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the Oliver and Harry intersection. An Amending Ordinance has been prepared to increase the design budget. The project will be returned to the City Council for final approval before construction.

Financial Considerations: The existing design budget is \$135,000. The supplement a design fee for MKEC Consultants is \$79,191. A budget increase of \$90,000 is requested to accommodate the consultant fee increase and in-house expenses. The revised budget of \$225,000 is within the design budget contained in the CIP.

Legal Considerations: The Supplemental Agreement and Amending Ordinance have been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement, place the Amending Ordinance on First reading, and authorize the signing of State/Federal agreements as required.

SUPPLEMENTAL AGREEMENT NO. 1
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 4, 2004
BETWEEN
THE CITY OF WICHITA, KANSAS
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE
"CITY"
AND
MKEC ENGINEERING CONSULTANTS, INC.
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 4, 2004) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to the OLIVER, HARRY TO KELLOGG (Project No. 472 84018, OCA No. 706895).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Harry & Oliver Intersection

(reconstruction of the intersection, new signalization, additional left turn lanes)

(Project No. 472 84018)

Water line improvements at the intersection of Harry & Oliver.

(Project No. 448 90086)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

472 84018	\$74,691.00
448 90086	\$ 4,500.00
TOTAL	\$79,191.00

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by _____; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2005.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, City Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

MKEC ENGINEERING CONSULTANTS, INC.

(Name and Title)

Agenda Item No. 9b

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0734

TO: Mayor and City Council Members

SUBJECT: Contract for Management of Food Services

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve contract.

Background: The City Hall Cafeteria operated from the time City Hall first opened in November 1975 through the current year, except for a brief period from 1996 through January 1998. The current operator J&D Group (dba City Bistro) opened in January, 1998. The current contract provides a management fee or subsidy of \$1,250 per month with the City obligated for custodial and maintenance of City-owned equipment. The City Bistro's contract expired April 30, 2005 with the option to renew for one additional year.

J&D Group (Bistro) was requesting an increase in their monthly management payment of \$1,250 to \$2,500 per month with the City continuing the custodial and maintenance. The Bistro had not been able to maintain the level of business needed to continue a viable business without an increase in the management payment.

The City Council requested staff to send a Request for Proposal for cafeteria concession privileges versus amending the current contract to increase the monthly allocation.

Analysis: An RFP was sent to 105 potential vendors. A pre-proposal conference was held at City Hall to respond to any questions concerning the operation of the cafeteria. Four proposals were received and evaluated. The selection committee interviewed three vendors and unanimously selected J & D Group as the recommended vendor based on their ability to meet the requirements and their staff qualifications, experience and expertise.

Under this proposal, the City Bistro would continue with a lunch menu (includes a hot bar with daily entrees) and variety of vegetables, grilled sandwiches, soup bar, salad bar, wrap bar, dessert bar, deli sandwich bar and snack stations along with a full breakfast menu which includes hot and cold selections.

The Bistro provides a convenient place for employees (and visitors) to have breakfast/lunch. It has some advantages of saving employee's time from going out to lunch and is looked upon as an employee benefit offered by the employer.

Legal Considerations: The Law Department will review and approve the contract as to form.

Financial Considerations: Under the terms of the agreement, the City's annual base commitment would not exceed \$24,000 annually or \$2,000 per month, excluding custodial and any maintenance costs. The funds are included in the revised budget.

Recommendations/Actions: It is recommended the City Council approve the contract with J&D Group, Inc. (dba City Bistro) for a period of one year with two one-year annual options in the amount of \$24,000 annually or \$2,000 per month.

Agenda Item No. 10

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0735

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Southern Ridge 3rd Addition (south of Pawnee, west of Maize) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water distribution system, sanitary sewer, storm drainage, and paving improvements in Southern Ridge 3rd Addition on March 22, 2005.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer, storm drainage, and paving in Southern Ridge 3rd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$69,200, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

AGREEMENT FOR PROFESSIONAL SERVICES between THE CITY OF WICHITA,
KANSAS

and

BAUGHMAN COMPANY, P.A.

For SOUTHERN RIDGE 3RD ADDITION

THIS AGREEMENT, made this _____ day of _____, 2005, by and between the CITY OF WICHITA,

KANSAS, party of the first part, hereinafter called the "CITY" and BAUGHMAN COMPANY, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 90052 serving Lots 23 through 33, Block A; Lots 17 through 21, Block B; Lots 12 through 24, Block E, Southern Ridge 3rd Addition (south of Pawnee, west of Maize) (Project No. 448 90052).

LATERAL 45, COWSKIN INTERCEPTOR SEWER serving Lots 23 through 33, Block A; Lots 17 through 21, Block B; Lots 12 through 36, Block E, Southern Ridge 3rd Addition (south of Pawnee, west of Maize) (Project No. 468 83965).

STORM WATER DRAIN 253 serving Lots 1 through 33, Block A; Lots 1 through 21, Block B; Lots 1 through 73, Block C; Lots 1 through 14, Block D; Lots 1 through 47, Block E, Southern Ridge 3rd Addition (south of Pawnee, west of Maize) (Project No. 468 83968).

YOSEMITE from the southwest line of Lot 17, Block B, north to the northwest line of the plat, and on DALLAS from the southeast line of Yosemite, southeast and east to the west line of Greenfield and that sidewalk be constructed on Yosemite and Dallas (south of Pawnee, west of Maize) (Project No. 472 84188).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Southern Ridge 3rd Addition and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).

B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.

C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.

D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.

F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.

G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient

payment for all work performed, equipment or materials used and services rendered in connection with such work.

H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.

I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$10,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory

Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.

B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.

C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.

E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 448 90052	\$ 4,600.00
Project No. 468 83965	\$ 7,100.00
Project No. 468 83968	\$43,300.00
Project No. 472 84188	\$14,200.00
TOTAL	\$69,200.00

B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:

1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.

2. Additional design services not covered by the scope of this agreement.

3. Construction staking, material testing, inspection and administration related to the PROJECT.

4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work, or because the services of the ENGINEER are unsatisfactory; PROVIDED, however, that in any case the ENGINEER shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case shall payment be more than the ENGINEER'S actual costs plus a fee for profit based upon a fixed percentage of the ENGINEER'S actual costs.

B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold

ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.

D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.

E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.

F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.

G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.

H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

SEAL:

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

(Name & Title)

“EXHIBT “A

SCOPE OF SERVICES

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared in ink on standard 22" x 36" mylar sheets.

In connection with the services to be provided, the ENGINEER shall:

A. PHASE I - PLAN DEVELOPMENT

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. Field Surveys. Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.

2. Soils and Foundation Investigations. The CITY'S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.

3. Review Preliminary Design Concepts. Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.

4. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT's plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 78, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be provided to the CITY via floppy diskettes (3 1/2"), CD-ROM, or other media acceptable to the City Engineer. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.

5. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the monumentation of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.

6. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if

approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.

7. Deliver the original tracings of the Final approved plans to the CITY for their use in printing plans for prospective bidders.

8. All applicable coordinate control points and related project staking information shall be furnished on a 3-1/2" diskette in a format agreed upon by the CITY. When applicable, this coordinate information will be used by the CITY for construction staking purposes.

9. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.

a. Plan Development for the water improvements by August 22, 2005.
(Project No. 448 90052).

b. Plan Development for the sewer improvements by August 15, 2005.
(Project No. 468 83965).

c. Plan Development for the storm drainage improvements by September 5, 2005.
(Project No. 468 83968).

d. Plan Development for the paving improvements by September 19, 2005.
(Project No. 472 84188).

Agenda Item No. 11a

CITY OF WICHITA
City Council Meeting
August 9, 2005

Agenda Report No. 05-0736

TO: Mayor and City Council Members

SUBJECT: Acquisition of 2351 South Lulu Street for Pawnee Widening Improvement Project from Washington to Hydraulic (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

-

Recommendation: Approve the acquisition.

Background: On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which, 15 are single-family residences. The twelfth of the 15 residential acquisitions is a 1,466 square foot single-family residence at 2351 South Lulu Street. The property is frame construction with four bedrooms and one bath. The property is owner occupied.

Analysis: The property appraised for \$81,000. In addition, the owner is entitled to up to \$20,700 in relocation benefits. The owner has agreed to accept \$81,000 for the property. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

Financial Considerations: The funding source for the project is General Obligation bonds and Federal monies. A budget of \$107,200 is requested. This includes \$81,000 for the acquisition, \$20,700 for relocation, \$5,000 for demolition and \$500 for title work and closing costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that 1) The City Council approve the budget and 2) Authorize all necessary signatures.

Agenda Item No. 11b

CITY OF WICHITA
City Council Meeting
August 9, 2005

Agenda Report No. 05-0737

TO: Mayor and City Council Members

SUBJECT: Acquisition of a portion of 5862 South Hydraulic: Hydraulic Improvement Project (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

-

Recommendation: Approve the acquisition.

Background: South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. Continuing the improvement south from 57th Street South to 63rd Street South will provide an improved transportation corridor to Wichita's south city limits. On December 14, 2004, the City Council approved the widening of Hydraulic between 57th Street South and 63rd Street South. The project will widen Hydraulic to four lanes, install a storm water drainage system and sidewalks. This project requires the partial acquisition of three tracts. One tract is a portion of 5862 South Hydraulic. The property contains 5.1 acres and is improved with a single family residence.

Analysis: The acquisition of will require a 4,543 square foot strip of land adjacent to Hydraulic and was appraised at \$1,590. The appraiser included no compensation for the cost to reset the two existing driveway posts and gates. Written estimates were obtained and the owner has agreed to accept the \$825 for resetting the posts and gates at both driveways. An offer of \$2,415 for the land and the resetting of the two driveway posts and gates has been accepted by the owner.

Financial Considerations: The funding source for the City share is General Obligation Bonds. A budget of \$2,715 is requested. This includes \$2,415 for the acquisition and \$300.00 for closing costs and title insurance.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council: 1) Approve the budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item No. 12

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0738

TO: Mayor and City Council Members

SUBJECT: Sidewalk Repair Assessment Program (District I, III, IV, V, VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the assessments and ordinance.

Background: State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

Analysis: An Ordinance has been prepared to establish authority to use special assessment funding for the current list of repaired sidewalks.

Financial Considerations: Statements of Charges will be mailed to the property owners on August 19 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be

determined by the rate at which the July 2005 bond sold. The principal and interest will then be spread over 5-years and placed on the 2006 tax roll.

Legal Considerations: These assessments are in accordance with City Code 12.18.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

Agenda Item No. 13

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0739

TO: Mayor and City Council

SUBJECT: Transfer of Funds

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Transfer funds from Capital Improvement Program S-5, Mains for Future Development, to Capital Improvement Program (CIP) S-508, Sewer Master Plan Update.

Background: In 1992, the City Council approved a Sanitary Sewer Master Plan and the associated projects. This was the first undertaking since 1971. The 1992 plan assessed the City's sanitary sewer service needs through the year 2010. After adoption of the 1992 plan, Staff recommended that the City update it on a routine basis to insure that the recommendations and projects being implemented remained relevant to the City's needs. Then again on May 4, 1999, the City Council approved a Sanitary Sewer Master Plan Update for 2000.

Analysis: The 2005 CIP includes an update to the Sanitary Sewer Master Plan. The 2005 update will include:

- analyzing EPA requirements
- determining growth areas and projected populations
- determining sewer basins
- review and development of the Sewer Utility Capital Improvement Program
- evaluating economic and non-economic factors for proposed alternatives for recommended projects

The Staff Screening and Selection Committee selected Professional Engineering Consultants for the update and negotiated the scope of services. It was found that additional funds would be required to complete the necessary items in the update. The present sanitary sewer computer model is dated and cumbersome to use. The scope of services includes a process to evaluate

current sanitary sewer software models, purchase the model and convert data to the selected model.

Financial Considerations: Staff determined that an additional \$100,000 is required to complete the update to the 2005 Sanitary Sewer Master Plan. The budget for the 2005 update is \$250,000. Mains for Future Development has funding of \$2,500,000 available. Staff recommends transferring \$100,000 from Mains for Future Development (CIP S-5) to Sewer Master Plan Update (CIP S-508).

Legal Considerations: There are no legal considerations.

Recommendations/Actions: It is recommended that the City Council: 1) approve the transfer of funds from CIP S-5 to CIP S-508; and 2) authorize the necessary signatures.

Agenda Item No. 14

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0740

TO: Mayor and Members of the City Council

SUBJECT: 2005 Insurance Program

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Receive and file report.

Background: Annually the City contracts for a number of services and insurance policies to provide coverage for risks not covered by the self insurance program and provide appropriate insurance coverage for the City of Wichita and its employees. These policies include property, data processing, boiler/machinery, burglary/theft, employee dishonesty, excess workers compensation and helicopter general liability. The services included in these programs include outside appraisal services, medical bill review, and nurse case management for workers compensation, employment physicals, drug tests, and vehicle rental services for private claimants.

On December 7, 2004, the City Council approved a contract for insurance placement services with Marsh, USA. Subsequently, staff has placed insurance policies prior to their respective expiration dates of December 31, 2004, April 1, 2005 and July 25, 2005. The Department of Finance placed all of the 2005 insurance coverage on behalf of the City using competitive written quotations provided by Marsh, USA.

Analysis: To protect City assets and reduce the risk exposure, the City has placed the following insurance coverage. The cost of these insurance policies is included in the Comprehensive Annual Financial Report. The 2005 insurance program is as follows:

Property Insurance - All City owned buildings (approximately 250) and contents are covered against perils. The total insurance value is in excess of \$475 million and is placed with Allianz Insurance Company. The premium is \$341,233 annually. The City maintains a separate policy for property, liability and boiler insurance on behalf of the Public Building Commission on the State Office Building. Property coverage limits are \$25 million. In addition, the Public Building Commission policy also includes general liability coverage of \$2 million placed with Western Heritage Insurance Company. These premiums total \$54,610.

Workers Compensation Insurance (Excess Coverage) - The City self-insures exposure to Worker Compensation costs, as permitted under KSA 44-505(f). However, the City does purchase excess workers compensation coverage with retention of \$750,000 per occurrence (as required for self-insureds by KAR 51-14-4). The annual premium is \$149,499 and this insurance is placed with Safety National Casualty Insurance Company.

Crime (Burglary/Theft) Policy - This policy covers losses due to employee theft, due to other theft or robbery, due to forgery of documents, due to computer fraud (fraudulent transfers of funds) and

due to acceptance of counterfeit currency or money orders. Depending on the type of loss, policy limits range from \$500,000 to \$1 million. The premium cost is \$7,018 annually and the policy is placed with Hartford Fire Insurance Company.

Travel Accident Insurance - This policy provides insurance against the loss of life or limb of City employees and officers while traveling on bonifide City business. The policy limit is \$500,000, with the loss per individual limited to \$100,000. Premium costs are \$1,700 annually and the policy is placed with Zurich American Insurance Company.

Helicopter Liability - The City maintains liability and hull insurance on the MD 500E helicopter operated by the Police Department. Liability insurance of \$500,000 per occurrence is included, as well as \$12,000 in medical payments per occurrence. The helicopter hull is insured for \$1.2 million. The helicopter insurance premium is \$49,249 annually and the policy is placed with AIG Insurance Company.

Art Collection - The Wichita Art Museum maintains coverage on the fine arts collections. This policy provides \$70 million in coverage for art within the Museum, as well as \$20 million for art in transit or at other locations. The premium cost is \$27,065 annually and the policy is placed with ACE American Insurance Company.

Federal and Out of State Liability - Staff are in the process of placing liability insurance providing coverage for federal and out-of-state actions. Coverage of \$20 million will be placed with a premium cost budgeted at not to exceed \$130,000 with AIG Insurance Company.

Airport General Liability - The Airport has maintained \$50 million in general liability coverage. The annual premium is \$42,973. The current policy expires on July 25; based on an industry review, staff has recommended \$100 million in general liability coverage at an annual premium

of \$67,405. The Airport Authority concurs. The insurance policy is placed with ACE American Insurance Company.

Airport Underground Storage Tanks - The Airport Authority maintains liability insurance on 24 underground storage tanks at the airport. Liability limits are \$1 million per incident. The annual premium is \$3,400 and the renewal date is April 1. The insurance policy is placed with Great American Alliance Insurance company.

Airport Skycap - The Airport Authority maintains liability insurance to Harrison Armstrong, who contracts with the City to provide skycap services at Mid-continent Airport. This insurance requirement is included in the service contract with Mr. Armstrong and is renewed on April 1. The policy limit is \$600,000. The annual premium is \$1,919 and the policy is placed with U.S. Fidelity and Guaranty Insurance Company.

The City self-insures for general liability using a Tort Fund administered by the Department of Law. Funding for the Tort Fund is provided through the general fund and water and sewer funds.

Primary workers compensation costs are self-insured by the City. As required by State statute, the City purchases an excess policy to pay for any claims in excess of \$750,000 per occurrence. The 2005 premium for this coverage is \$149,499 and the policy is placed with Safety National Casualty Corporation.

The City currently utilizes Via Christi/Riverside to provide comprehensive pre-employment physicals and AMS Laboratory for drug tests on all potential employees. Corvel services are used for workers compensation claims that require nurse case management and to reprice billings when utilization is through the providers' network. Corvel charges an hourly rate for nurse case management and a percentage of savings for the repricing of City medical bills. The City pays Corvel 25% of the savings Corvel achieves via greater negotiated discounts with medical providers than can be negotiated independently by the City.

Heartland MRI is used for all imaging services required for diagnosis of work related injuries. The negotiated fee for these services is \$600 per MRI, including the read. This reflects an approximate 50% savings over the State of Kansas mandated fee schedule for these services. All required physical therapy for work related injuries is provided by TheraCare on a negotiated fee structure of 75% of the state mandated fee schedule.

Automobile liability is self-insured by the City. The services of Harrington Appraisals is used to provide damage estimates on private claimant's cars and vehicle and salvage valuations on all total losses. The City has also negotiated an insurance rate with Enterprise Rent-A-Car of \$19.99 per day when the City is required to provide substitute transportation while a private claimant's vehicle is being repaired.

Financial Considerations: The premiums for the insurance policies and related programs and services are appropriated in the adopted budget. Several premium costs are re-allocated to Departments through the establishment of auto liability, building and contents, and workers compensation insurance rates. Coverage for the Police helicopter is budgeted and expended in the Police General Fund budget. Airport specific coverages are budgeted and expended in the Airport Fund.

Legal Considerations: The City's liability on tort claims is limited under KSA 75-6105 to \$500,000 per claim. The City is allowed to self-insure worker's compensation based on KSA 505(f), although excess workers compensation coverage is required under KAR 51-14-4. City Code 2.64.020 (h) authorizes the Purchasing Manager to negotiate the purchase of insurance coverage.

Recommendation/Action: It is recommended the City Council receive, file and ratify the 2005 Insurance Program..

Agenda Item No. 15

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0741

TO: Mayor and City Council Members

SUBJECT: Grove Park Improvement Phase II (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Project.

Background: On January 11, 2000, City Council approved funding for the Phase I, Master Plan Implementation for Grove Park improvements.

Bids were received on February 15, 2002, for these improvements which included roadway paving, parking lots, sidewalks, playground, football field, drinking fountain, and a bike path/trailhead.

Analysis: This project will complete the planned improvements in Grove Park, which include a new entry sign and landscaping, restroom/concession facility and a golf range.

Plans and specifications have been prepared for these improvements and are ready to be bid.

Financial Considerations: The project is authorized the approved 2005-2014 Capital Improvement Program (CIP) (Project No. 395185, OCA No. 785053) at \$600,000. The funding source is General Obligation bonds.

Legal Considerations: The Law Department has approved the Resolution as to form.

Recommendation/Action: It is recommended that the City Council approve the Resolution, authorize initiation of the project, and authorize the necessary signatures.

Published in the Wichita Eagle on _____, 2005.

RESOLUTION

A RESOLUTION AUTHORIZING A PROJECT TO DESIGN AND CONSTRUCT CERTAIN IMPROVEMENTS IN GROVE PARK; AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF WICHITA, KANSAS, TO PAY ALL OR A PORTION OF THE COST THEREOF.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1: That the City of Wichita finds it necessary to make certain improvements as follows:

Design and construction of improvements at 2801 North Grove (Grove Park), including a restroom/concession building and entrance sign.

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds of the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost of said improvements is estimated not to exceed \$600,000, exclusive of the costs of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by K.S.A. 13-1024c and City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 16

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0742

TO: Mayor and City Council

SUBJECT: Restrictive Covenant for Kingsbury Tract (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Authorize the Mayor to sign.

Background: The Kingsbury Tract is generally located north of K-96 Highway (and the Brooks Landfill), east of Hoover Road, south of 49th Street North (extended), and west of the Arkansas River (and the Brooks Landfill).

The City Council selected Quik Sand as the preferred developer for aggregate mining on the Kingsbury Tract to create water features for future park development on February 10, 2004. A lease agreement was approved by the City Council on October 19, 2004.

The City and Quik Sand, Inc. were co-applicants on Conditional Use CON 2004-45 to allow aggregate mining on. The Metropolitan Planning Commission approved the Conditional Use on January 27, 2005.

Analysis: This restrictive covenant prohibits the depositing of foreign matter on the site and sets bank stabilization and fill material requirements as required under the Unified Zoning Code at Article III, Section III-D, gg. Compliance with these requirements is set out in Condition 1 of Conditional Use Resolution No. CON2004-00045.

Financial Considerations: The restrictive covenant does not impact the value of the property given the City's intended future use of the site as park space.

Legal Considerations: The Law Department has reviewed the restrictive and approved it as to form.

Recommendations/Actions: It is recommended that the City Council authorize the Mayor to sign the restrictive covenant and to have it recorded as appropriate and required.

Restrictive Covenant

We the undersigned, the City of Wichita, Kansas, a Municipal Corporation, do hereby impose upon the following described real estate, to wit:

The Southwest Quarter (1/4) of Section Twenty-Three (23); and the Southeast Quarter (1/4) of Section Twenty-Three (23), except Twelve (12) acres for Floodways; and Government Lot Four (4) except Twenty-four and Ninety-Two Hundredths (24.92) acres for Floodway, in the Southwest Quarter (1/4) of Section Twenty-Four (24); and Government Lots Six (6), and Government Lot Three (3) and Government Lot Four (4) in the Northwest Quarter (1/4) of Section Twenty-Six (26), and the South Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-Six (26), except Eleven and Forty-Nine Hundredths (11.49) acres acquired for K-96 Highway, all in Township Twenty-Six (26) South, Range one (1) West of the Sixth Principal Meridian, Sedgwick County, Kansas, containing 459.55 acres, more or less; except that part designated as Hoover Road.

covenants to run with the land as follows:

- 1) No foreign matter, including but not without limitation to, non-operational equipment, rubbish, trees, car bodies, new asphaltic concrete mix, and building rubble or other trash shall be deposited on the above described real property or within any borrow pit excavation thereon.
- 2) Bank stabilizations and fill materials may include sidewalk pavement, concrete pavement, concrete pavement with asphaltic concrete overlays, and asphaltic concrete pavement. All asphaltic concrete materials shall have aged sufficiently so that the water-soluble pollutants have dissipated. In no instance will asphaltic concrete exceed 15% of the total materials used.

Reinforcing materials protruding in excess of 12 inches shall not be permitted. Materials used for final grade shall have reinforcing materials clipped as close to flush as possible.

The covenants herein contained shall be binding upon the undersigned, their successors in interest and assigns. The said covenant may be enforced in any appropriate action in any Court having jurisdiction thereof by the County of Sedgwick or any member of the public in whose favor and for whose benefit this covenant is made.

IN WITNESS THEREOF, WE HAVE HEREUNTO SET OUR HAND THIS ____
DAY OF _____, 2005.

Carlos Mayans, Mayor

STATE OF KANSAS)
COUNTY OF Sedgwick) SS:

BE IT REMEMBERED, that this __ day of _____, _____, before me,
The undersigned, a Notary Public, in and for the County and State aforesaid,
Came Carlos Mayans, Mayor of the City of Wichita, Kansas, personally known to
be to be the same person(s) who executed the within instrument and such
person(s) duly acknowledged the execution of the same, for and on behalf, and

as the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by official seal the day and year above written.

Notary Public

(My Appointment Expires:_____)

Agenda Item No. 17

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0743

TO: Mayor and City Council

SUBJECT: Memorandum of Understanding with United States Geological Survey
for WATER Center exhibit

INITIATED BY: Environmental Services

AGENDA: Consent

Recommendations: Approve the MOU and authorize the necessary signatures.

Background: The environmental education component of the Wichita Area Treatment, Education and Remediation (WATER) Center addresses water quality resources focusing on public education edregarding hydrological processes, groundwater remediation, impacts to public health and the environment, and the inter-relationship between groundwater and the Arkansas River. The facility provides a unique and important educational destination for schools, civic groups, and the general public.

In 2003, a preliminary WATER Center education exhibit development plan was prepared by the firm of has selectedTaylor Studios for the design and construction of the center's exhibits. The firm provided for the design of the exhibits for the Herman Hill/Gilbert-Mosley Environmental Education Facility. The draft contract has been reviewed by both the Legal Department and the Purchasing Department. Taylor Studios has performed other projects in area such as the "Fossil Dig" at Exploration Place and all of the new exhibits for Dillon Nature Center in Hutchinson. conceptual exhibit designs though discussions and interaction with local and state educational institutions, staff, and other community organizations, and developed and provided a "design

book” of proposed exhibits for the facility. The firm also developed projected construction costs to be used for funding solicitation.

The “Condition of the River” exhibit, originally designed by Taylor Studios, called for an interactive computer display that would educate visitors on water quality as well as provide “real-time” monitoring of pH, dissolved oxygen, temperature and flow of the Arkansas River. The USGS has agreed to sponsor the exhibit, not through a financial contribution, but through an in-kind donation.

The WATER Center is continuing to seek additional grants and sponsorships to fund the museum exhibits.

Analysis: The Department of Environmental Services is seeking authorization to enter into a Memorandum of Understanding with the United States Geological Survey (USGS) for an interactive exhibit at the WATER Center. The USGS has purchased an interactive computer kiosk and completed the programming that meets not only the mission of the WATER Center but also of the USGS. The kiosk is tied into the USGS’s website, allowing them to do updates and maintenance from their home office. With the help of the IT Department, the WATER Center has installed at cable modem to service the kiosk.

A Memorandum of Understanding between the City of Wichita and the USGS needs to be signed to complete the exhibit installation process.

Financial Considerations: The exhibit costs will be shared between the WATER Center and the USGS. USGS will be responsible for the purchase and programming of the computer and kiosk (estimated donation value of \$26,000) as well as any updates or maintenance. The WATER Center will be responsible for the monthly Cox Communications cable line charge (\$70.00), and the construction (approximately \$1000.00 for material, labor will be donated by volunteers) and installation of cabinetry that will surround the kiosk.

Legal Considerations: The Law Department has approved the MOU as to form.

Recommendation/Actions: It is recommended the City Council approve the Memorandum of Understanding and authorize the necessary signatures.

Agenda Item No. 18

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0744

TO: Mayor and City Council

SUBJECT: Waterline Easements along 69th Street North

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the waterline easements.

Background: The City owns land in the east half of the section bordered by 69th Street North, 127th Street East, 77th Street North and Greenwich Road. This area is served by Rural Water District Number One. The water district has initiated a project to increase water pressure by looping water supply lines. To accomplish this, they need to construct a line along 69th Street North and through the middle of the section to 127th Street East. They have requested that the City grant them a 15-foot wide easement along the 725 feet that the City owns along 69th Street North and across the City ownership at the midsection line.

Analysis: The attached easement grants the rural water district the right to construct and maintain the waterlines. The City parcels are currently leased for agricultural purposes. If the placement of the lines impact the use of the property, the water district will reimburse the tenant for any damages. The placement of the lines will provide the potential for future water service to the parcel. The location of the lines is such that they will not impact any development potential.

Financial Considerations: The cost to construct the lines will be borne by the rural water district.

Legal Considerations: The Legal Department has approved the easements as to form.

Recommendations/Actions: It is recommended that City Council approve the waterline easements and authorize the necessary signatures.

Agenda Item 19

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0745

TO: Mayor and City Council
SUBJECT: Settlement of Claim
INITIATED BY: Law Department
AGENDA: Consent

Recommendation: Authorize payment of \$52,500 as a full settlement of all claims arising out of a motor vehicle accident.

Background: This claim against the city results from an automobile accident between an automobile driven by a father with his thirteen-year-old son as passenger and a Wichita Police

car at or near the location of 29th Street South and West Street. The accident occurred on July 7, 2004. Claimant alleges that the officer was negligent by turning into his lane of traffic. The claimant's vehicle struck the police vehicle from the side causing damage to the front of claimant's car.

Analysis: After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment to the father in the amount of \$30,500 and to the son, \$22,000 as full settlement of all claims arising out of these transactions. Settlement would include a full release of liability for the city and the individual Police Officer. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Financial Considerations: Funding for this settlement payment is from the Tort Claims Fund.

Legal Considerations: The Law Department recommends acceptance of the offer of settlement.

Recommendations/Actions: Authorize total payment of \$52,500 as a full settlement of all possible claims arising out of the transactions which are the subject of the claim.

Agenda Item #21

City of Wichita
City Council Meeting
August 09, 2005

Agenda Report No. 05-0746

TO: Mayor and City Council
SUBJECT: 2006 Annual Operating Budget and Revisions to the 2005 Budget
INITIATED BY: Department of Finance
AGENDA: New Business

Recommendations: Approve water/sewer rate increases, ERU rate increase, the 2006 proposed and 2005 amended budgets, and City-County joint agreements.

Background: The 2006/2007 Proposed Budget has been presented to the City Council, including presentations at workshops and at District Advisory Board (DAB) meetings. Additional presentations have included separate discussions involving proposed increases in Water, Sewer, and Storm Water Utility rates. The City Council has received public comments on the proposed 2006/2007 budget, both formally at regular meetings of the Council and informally at each of the City's DABs. On July 19, 2005, the City Council placed the budget ordinances on first reading and authorized the publication of the hearing notices, establishing the maximum taxes levied for the 2006 City budgets.

Analysis: 2006 Operating Budget. The proposed 2006 annual operating budget was officially published at \$462,487,358 – including all Tax Increment Financing (TIF) Funds and the Self-

Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$562,445,338. The inclusion of expendable trust funds, as required by law, is an additional \$55,251,660 for a total of \$617,696,998. The estimated mill levy for this budget would be 31.828 mills, no change from the levy for the current 2005 Adopted Budget.

The General Fund property tax levy is \$58,364,900 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$26,738,550 (including a delinquency allowance) and is estimated at 10.000 mills. The total tax levy is \$85,103,450.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic development TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$13,973,970, of which \$6,168,660 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming mill levy rate of 5.950 mills and a delinquency factor of 3%, the new valuation projections would result in \$572,230 revenue net of delinquency in fiscal year 2006 (2005 taxes levied). Factoring revenue from prior year delinquencies (\$26,060) and motor vehicle tax revenue (\$16,500) results in a total of \$614,790.

Jointly Funded Budgets. The General Fund includes City of Wichita contributions to the jointly funded City County budgets, as identified in the table below.

2006 Proposed Budget	CityShare	CountyShare	Revenue	Revenue
Total	Total	Total	T	T
Flood Control	789,310	789,310	0	1,578,620
Metropolitan Area Planning	725,900	725,900	280,000	1,731,800

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions. It is also necessary to amend the current year contract for Planning, increasing the City and County shares from \$642,800 each to \$682,850 each, reducing anticipated revenue from \$281,650 to \$275,010, and revising the total from \$1,567,250 to \$1,640,710. There have been significantly lower than anticipated salary savings to-date and modestly higher contractual and commodity expenses.

2005 Revised Budget. In addition to action on the 2006 Budget, it is requested that action be taken to amend the 2005 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The Economic Development Fund increase of \$3,829,890 is due primarily to the \$3.5 million funding for affordable air service (\$2.5 million from the City and \$1 million from the County).
2. The Old Town Cinema Tax Increment Financing Fund increase of \$381,280 is due to additional revenues received, which will be used to pay debt service on improvements in the TIF area.

The City Council previously approved the City's Water Utility to exercise the option of paying the State Clean Drinking Water Fee (in lieu of paying sales taxes on non-exempt items). The Water Utility line item budget neglected to remove amounts from individual line items and re-allocate those dollars in a single line within the contractual expenses to pay the Clean Drinking

Water Fee. With the Council's approval, the proposed budget for the Water Utility will be amended to reallocate those line items. The amendment is cost neutral, and would reallocate \$355,050 through multiple line items within the budget to a single line item from which the CDW Fee will be paid.

The 2006/2007 Proposed Budget also contains projected increases for Water Utility rates, Sewer Utility rates, and the Equivalent Residential Unit (ERU) Storm Water Utility rate.

Rate pressures in the Water and Sewer Utilities are driven almost exclusively by capital needs associated with major investments. These investments ensure the Utilities are able to keep pace with growth in the metropolitan area and guarantee a reliable source of water for the community through the year 2050. The proposed annual rate increases are 6% and 7% for the Water Service and Sanitary Sewer, respectively. The proposed rate schedules, under directives approved by previous City Council actions, also increase the outside City rate differential to sixty percent (60%). This is the fifth and final year of a phased program to increase the total rate differential.

A resolution is proposed that will authorize an increase in the Storm Water Utility ERU rate from the current \$1.50 to \$1.75 effective January 1, 2006, and to \$2.00 effective January 1, 2007. The additional funds will be used to finance approximately \$22 million in new capital projects currently scheduled to be designed and constructed from 2006 through 2013. Additional projects could be financed from the rate increases, depending on the cost and construction schedule of the currently-approved projects.

Financial Considerations: Publication of the notice of formal hearing on July 30 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established and published.

Approval of the proposed rate increases in the Water, Sewer, and Storm Water Utilities will financially provide for the projects identified in the City's recently approved Capital Improvement Program (CIP) and sustain all current operations.

Legal Considerations: Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

Recommendation: It is recommended that the City Council close the public hearing and:

- (1) Approve the 2006 budgets (with the changes reflected in attachment A and for the Water Utility Clean Drinking Water Fee) and adopt the necessary budget ordinances, including those for the tax increment financing (TIF) districts and the self-supported municipal improvement district (SSMID);
- (2) Approve amending the 2005 budget for the Economic Development and Old Town Cinema TIF funds;
- (3) Approve the joint agreements with Sedgwick County (including amendments to the 2005 City-County Metropolitan Area Planning operating budget);
- (4) Approve the proposed new schedule of rates and charges for Water Service and place the ordinance on first reading;

- (5) Approve the proposed new schedule of rates for users of the Sanitary Sewer system and place the ordinance on first reading;
- (6) Approve the resolution authorizing an increase in the Storm Water Utility Equivalent Residential Unit (ERU) rate;
- (7) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County).

Agenda Item #21



August 09, 2005

Agenda Report No. 05-0746

TO: Mayor and City Council
SUBJECT: 2006 Annual Operating Budget and Revisions to the 2005 Budget
INITIATED BY: Department of Finance
AGENDA: New Business

Recommendations: Approve water/sewer rate increases, ERU rate increase, the 2006 proposed and 2005 amended budgets, and City-County joint agreements.

Background: The 2006/2007 Proposed Budget has been presented to the City Council, including presentations at workshops and at District Advisory Board (DAB) meetings. Additional presentations have included separate discussions involving proposed increases in Water, Sewer, and Storm Water Utility rates. The City Council has received public comments on the proposed 2006/2007 budget, both formally at regular meetings of the Council and informally at each of the City's DABs. On July 19, 2005, the City Council placed the budget ordinances on first reading and authorized the publication of the hearing notices, establishing the maximum taxes levied for the 2006 City budgets.

Analysis: 2006 Operating Budget. The proposed 2006 annual operating budget was officially published at \$462,487,358 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$562,445,338. The inclusion of expendable trust funds, as required by law, is an additional \$55,251,660 for a total of \$617,696,998. The estimated mill levy for this budget would be 31.828 mills, no change from the levy for the current 2005 Adopted Budget.

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There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic development TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$13,973,970, of which \$6,168,660 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming mill levy rate of 5.950 mills and a delinquency factor of 3%, the new valuation projections would result in \$572,230 revenue net of delinquency in fiscal year 2006 (2005 taxes levied). Factoring revenue from prior year delinquencies (\$26,060) and motor vehicle tax revenue (\$16,500) results in a total of \$614,790.

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It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions. It is also necessary to amend the current year contract for Planning, increasing the City and County shares from \$642,800 each to \$682,850 each, reducing anticipated revenue from \$281,650 to \$275,010, and revising the total from \$1,567,250 to \$1,640,710. There have been significantly lower than anticipated salary savings to-date and modestly higher contractual and commodity expenses.

2005 Revised Budget. In addition to action on the 2006 Budget, it is requested that action be taken to amend the 2005 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The **Economic Development Fund** increase of \$3,829,890 is due primarily to the \$3.5 million funding for affordable air service (\$2.5 million from the City and \$1 million from the County).
2. The **Old Town Cinema Tax Increment Financing Fund** increase of \$381,280 is due to additional revenues received, which will be used to pay debt service on improvements in the TIF area.

The City Council previously approved the City's Water Utility to exercise the option of paying the State Clean Drinking Water Fee (in lieu of paying sales taxes on non-exempt items). The Water Utility line item budget neglected to remove amounts from individual line items and re-allocate those dollars in a single line within the contractual expenses to pay the Clean Drinking Water Fee. With the Council's approval, the proposed budget for the Water Utility will be amended to reallocate those line items. The amendment is cost neutral, and would reallocate \$355,050 through multiple line items within the budget to a single line item from which the CDW Fee will be paid.

The 2006/2007 Proposed Budget also contains projected increases for Water Utility rates, Sewer Utility rates, and the Equivalent Residential Unit (ERU) Storm Water Utility rate.

Rate pressures in the Water and Sewer Utilities are driven almost exclusively by capital needs associated with major investments. These investments ensure the Utilities are able to keep pace with growth in the metropolitan area and guarantee a reliable source of water for the community through the year 2050. The proposed annual rate increases are 6% and 7% for the Water Service and Sanitary Sewer, respectively. The proposed rate schedules, under directives approved by previous City Council actions, also increase the outside City rate differential to sixty percent (60%). This is the fifth and final year of a phased program to increase the total rate differential.

A resolution is proposed that will authorize an increase in the Storm Water Utility ERU rate from the current \$1.50 to \$1.75 effective January 1, 2006, and to \$2.00 effective January 1, 2007. The additional funds will be used to finance approximately \$22 million in new capital projects currently scheduled to be designed and constructed from 2006 through 2013. Additional projects could be financed from the rate increases, depending on the cost and construction schedule of the currently-approved projects.

Financial Considerations: Publication of the notice of formal hearing on July 30 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established and published.

Approval of the proposed rate increases in the Water, Sewer, and Storm Water Utilities will financially provide for the projects identified in the City's recently approved Capital Improvement Program (CIP) and sustain all current operations.

Legal Considerations: Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

Recommendation: It is recommended that the City Council close the public hearing and:

- (1) Approve the 2006 budgets (with the changes reflected in attachment A and for the Water Utility Clean Drinking Water Fee) and adopt the necessary budget ordinances, including those for the tax increment financing (TIF) districts and the self-supported municipal improvement district (SSMID);
- (2) Approve amending the 2005 budget for the Economic Development and Old Town Cinema TIF funds;
- (3) Approve the joint agreements with Sedgwick County (including amendments to the 2005 City-County Metropolitan Area Planning operating budget);
- (4) Approve the proposed new schedule of rates and charges for Water Service and place the ordinance on first reading;
- (5) Approve the proposed new schedule of rates for users of the Sanitary Sewer system and place the ordinance on first reading;
- (6) Approve the resolution authorizing an increase in the Storm Water Utility Equivalent Residential Unit (ERU) rate;
- (7) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County).

Agenda Item No. 22

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0747

TO:	Mayor and Members of the City Council
SUBJECT:	Arkansas River Corridor Access Plan (Districts I, III, IV, V & VI)
INITIATED BY:	Department of Park and Recreation
AGENDA:	New Business

Recommendation: Approve the funding for a Arkansas River Corridor Canoe Access Plan.

Background: The Strategic Plan and Visioneering Study identifies the Arkansas River as an important strategy of our goal to make Wichita and surrounding areas a more attractive place to live and enjoy. Through this process, citizens have voiced the need to make this valuable resource more accessible.

The Arkansas River is considered a navigable stream and thus is designated as property of the state for public use. Currently, the Arkansas River has public accessibility in limited areas and some privately owned points. Any property beyond the high bank of the river is considered privately owned unless it is owned by a government entity. A stretch of the Arkansas River, which extends from Rice County to the Oklahoma border, has been identified as a region of the river that could be greatly enhanced with the development of additional access points.

In the early 90's, the Kansas Department of Wildlife and Parks (KDWP) began efforts to provide access points to the Big Arkansas River in Rice County, just northwest of Hutchinson, Kansas. At that time, several grants were given to develop these access areas to benefit canoeist and other river enthusiasts. Currently, there is great potential to enhance and develop additional access points along the Arkansas River and make this valuable asset an attraction for area residents and

tourist. The City has recently completed a canoe access launch point in Garvey Park and plans to build another Canoe Access launch at the South Arkansas Greenway later this year.

Earlier this year, city and state officials began discussions outlining strategies to make the river more accessible and consider how an overall comprehensive plan could include other communities and municipalities. A verbal agreement was made to share in the cost of a study to identify potential access points and develop a comprehensive master plan which would aid in future development. The City and State are currently discussing adding partners with

surrounding communities whom lie along the Arkansas River and with Sedgwick County. On May 2, 2005, the Kansas Department of Wildlife and Parks sent the City a “letter of commitment” by earmarking \$30,000 to do a joint study with the City.

The Park department and KDWP have tentatively agreed to focus on the Canoe trail from Hutchinson to Oxford, including the City of Wichita and Sedgwick County. It is the intent of this exercise to increase participation and raise additional funds from other communities and municipalities to increase this study from Rice County to the Oklahoma border.

Analysis: The Arkansas River is one of the largest navigable rivers in Kansas and offers numerous recreational opportunities for City and County residents. The City of Wichita and the Department of Wildlife and Parks believe that the Arkansas River can become one of the longest canoe access systems in Kansas and perhaps the United States.

It will be necessary to closely evaluate current property ownerships and develop a working relationship with various coalitions and groups of citizens and residents to make this a successful venture. By developing a comprehensive plan the City, with the help of county and state officials, can provide a blueprint for future development. It will add much to the quality of life by increasing recreational opportunities for anglers, canoeists, hunters and other outdoor enthusiasts in the South Central Kansas Region.

Financial Considerations: The 2005 Park CIP provides \$30,000 in funding for Athletic Field Master Planning. The Park and Recreation Department requests substitution to participate in this study. A total of \$60,000 (\$30,000 from the State) in funding would be utilized to do a comprehensive plan from Hutchinson to Oxford. The City’s Park and Recreation Department will take the lead role in managing this study in cooperation with the Kansas Department of Wildlife and Parks and possibly other governing bodies. Should additional commitments be made by other governing parties, the scope and cost of this study may increase.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: It is recommended that the City Council 1) approve the substitution of projects, 2) approve the bonding resolution, 3) authorize initiation of the project and 4) authorize all necessary signatures.

Agenda Item No. 23

City of Wichita

City Council Meeting
August 9, 2005

Agenda Report No. 05-0748

TO: Mayor and City Council
SUBJECT: VAC2005-00026 Request to vacate a portion of a platted front setback generally located north of Central Avenue and east of Webb Road. (District II)
INITIATED BY: Metropolitan Area Planning Department
AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicants are requesting consideration to vacate a portion of the north 30-feet of the platted 50-foot front yard setback,. The applicant's proposed vacation would allow the construction of a warehouse on this undeveloped "LI" Limited Industrial zoned southeast portion of Lot 1, Block 1, Kuhlman Addition. The Unified Zoning Code provides a 20-foot front setback for the "LI" zoning district. There are no utilities, sewer lines, manholes or water lines in the platted setback. The property is an undeveloped remnant of the greater portion of Lot 1, Block 1, the Kuhlman Addition that is a car wash; reference CON2000-36. The contract purchasers are not associated with the car wash owners, nor is their proposed warehouse use associated with the car wash. The Kuhlman Addition was recorded with the Register of Deeds on May 5, 1999.

Analysis: The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 24

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0749

TO: Mayor and City Council Members
SUBJECT: SUB 2004-32 -- Plat of Banuelos Addition, Located North of 29th Street North and West of Broadway. (District VI)
INITIATED BY: Metropolitan Area Planning Department
AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approval of the plat.
MAPC Recommendation: Approve the plat. (11-0)

Background: This unplatted site, consisting of four lots on 1.1 acres, is located within Wichita's city limits.

Analysis: A Petition for paving improvements was previously approved by the City Council, and a Certificate of Petition has been submitted. A No-Protest Agreement for the future paving of 30th Street North has also been submitted. Sewer improvements were handled as a private project.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Certificate of Petition and No-Protest Agreement will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolution.

Agenda Item No. 25

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0750

TO: Mayor and City Council Members
SUBJECT: SUB 2005-23 -- Plat of Osbeck Addition, Located West of Tyler and South of Kellogg. (District IV)
INITIATED BY: Metropolitan Area Planning Department
AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

Background: This site, consisting of five lots on 1.04 acres, is located within Wichita's city limits. This site has been approved for a zone change (ZON 2004-62) from SF-5, Single-Family Residential District to LI, Limited Industrial District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Legal Considerations: The Certificate of Petitions will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the document and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.

ORDINANCE

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2004-62

Request for zone change from SF-5, Single-Family Residential District to LI, Limited Industrial District, described as:

Lots 1-5, Block A, Osbeck Addition, Wichita, Sedgwick County, Kansas.

Generally located West of Tyler and south of Kellogg.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____ 2005.

ATTEST:
Carlos Mayans, Mayor

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 26

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0751

TO: Mayor and City Council Members
SUBJECT: SUB 2005-30 -- Plat of The Woods Reserve Addition, Located East of
151st Street West and on the North Side of Maple. (District V)
INITIATED BY: Metropolitan Area Planning Department
AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

Background: This site, consisting of two lots on 1.4 acres, has recently been annexed into Wichita's city limits and is zoned SF-5, Single-family Residential District.

Analysis: Municipal services are available to serve the site. Restrictive Covenants were submitted to provide for the ownership and maintenance of the proposed reserves. An Access Easement has also been submitted.

The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Restrictive Covenants and Access Easement will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and authorize the necessary signatures for approval of the plat and the City's ownership interest.

Agenda Item No. 27

City of Wichita
City Council Meeting
August 9, 2005

Agenda Report No. 05-0752

TO: Mayor and City Council
SUBJECT: Waterline Easements at 4700 North Webb Road
INITIATED BY: Office of Property Management
AGENDA: Airport Consent

Recommendation: Approve the waterline easement.

Background: The Wichita Airport Authority acquired the property at 4700 North Webb Road via condemnation in 2003. Rural Water District Number One had an easement along the southwest corner of the property for a water service line. This easement, along with all other easements and claims on the property were canceled by the eminent domain. In order to document the waterline location, a new easement is required

Analysis: The attached easement grants the rural water district the right to construct and maintain the waterlines. The easement does not impact any of the existing improvements. It also does not affect the buildable area of the site.

Financial Considerations: The cost to maintain the lines will be borne by the rural water district.

Legal Considerations: The Legal Department has approved the easement as to form.

a) Amending Ordinance for the Improvement of Oliver, Harry to Kellogg. (District III)-supplemental.

12. Sidewalk Repair Assessment Program. (Districts I, III, IV, V, VI)

21. 2006 Annual Operating Budget and Revisions to the 2005 Budget.

25. *SUB2005-23-Plat of Osbeck Addition, located west of Tyler and south of Kellogg. (District IV)